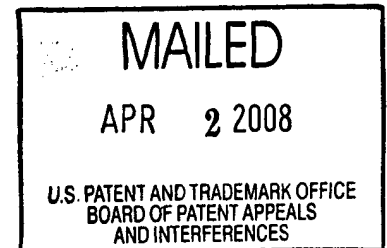


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: SCOTT EDWARD KLOPFENSTEIN

Application No. 10/092,039



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 21, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

**INFORMATION DISCLOSURE STATEMENT**

Appellant filed an Information Disclosure Statements (IDS) dated March 6, 2002, January 29, 2003 and September 2, 2003. There is no indication on the record that the Examiner considered the above IDS's. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statements is required.

**CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for the following:

- 1) to consider the Information Disclosure Statements filed March 6, 2002, January 29, 2003 and September 2, 2003; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

DALE M. SHAW  
Chief Appeals Administrator  
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DMS/tsj

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